

### REMARKS

Claims 14-41 are pending in the present application. Claims 14-16 and 37-41 have been amended. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are in allowable condition.

#### **I. Rejection of Claims 40 and 41 under 35 U.S.C. § 101**

Claims 40 and 41 are rejected under 35 U.S.C. § 101, as directed to non-statutory subject matter. In response, claims 40 and 41 have been amended to recite the structure of a computer-readable storage medium storing a computer program. Accordingly, it is respectfully submitted that the present rejection should be withdrawn.

#### **II. Rejections under 35 U.S.C. § 103(a)**

Claims 14-22, 26-27, 37, 39 and 41 have been rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Kennedy (US Patent Number 5,734,981) and Tomcik (US Patent Number 6,317,607). Claims 23-25 and 28-30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kennedy, Tomcik and Oka (U.S. Patent No. 6,091,945). Claims 31, 33-36, 38 and 40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kennedy, Tomcik and Kolls (U.S. Patent No. 6,856,820 B1). Claim 32 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kennedy, Tomcik, Oka and Kolls. Applicants respectfully submit that these rejections should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091 (Fed. Cir. 1986). Third, the prior art references must teach or suggest all of the claimed limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Independent claims 14-16 and 37-41 have been amended to recite, *inter alia*, the feature of checking, by a terminal, on the basis of data delivered by a call, whether the call is at least one of (a) intended to initiate a connection to a control center or (b) authorized to initiate a connection with the control center. Clear support for this amendment can be found in the Specification, e.g., at page 4, line 1 - page 7, line 11. Independent claims 14-16 and 37-41 also recite, *inter alia*, the feature that the terminal terminates a call without accepting the call. Although the Examiner cites Tomcik (abstract, and col. 2, l. 54 - col. 3, l. 10) as teaching the features of "checking . . . whether a connection to the control center is permitted to be established," Tomcik clearly does not teach or suggest the above-recited amended features of claims 14-16 and 37-41, and none of the remaining applied references (Kennedy, Oka and Kolls) discloses or suggests these amended features.

Tomcik discloses a multi-mode mobile unit which may operate in several modes of communication. See column 7, lines 4 to 7. When a call comes in, the mobile unit checks the incoming call to determine whether or not the incoming call matches selected communication modes. If there is a match, the call is accepted; if there is not a match, the call is rejected. See Abstract and column 8, lines 47 to 52. However, with respect to the above-recited amended features claims 14-16 and 37-41, nothing in Tomcik even remotely discloses or suggests the feature of checking, by a terminal, on the basis of data delivered by a call, whether the call is at least one of (a) intended to initiate a connection to a control center or (b) authorized to initiate a connection with the control center. In addition, there is no suggestion of this claimed feature in any of the applied references.


For at least the foregoing reasons, claims 14-16 and 37-41, as well as dependent claims 17-36, are not rendered obvious by the applied combinations of Kennedy, Tomcik, Oka and Kolls. Accordingly, withdrawal of the obviousness rejections is respectfully requested.

CONCLUSION

In light of the foregoing, Applicants respectfully request allowance of all pending claims. Prompt reconsideration of the present application is earnestly solicited.

Respectfully Submitted,

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